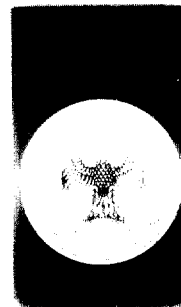


WT 98-67



PRESIDENT'S  
COMMITTEE  
ON EMPLOYMENT  
OF PEOPLE  
WITH DISABILITIES

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The Federal Communications Commission  
Office of the Secretary  
Room 222, 19 19 M Street NW  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In Re: In the Matter of Telecommunications Relay Services and Speech-to-Speech Services for  
Individuals with Hearing and Speech Disabilities

Dear Commissioners:

On behalf of the President's Committee on Employment of People With Disabilities, I urge the Commission to move quickly to a Final Rule in this docket on Telecommunications Relay Services (TRS). A final rule that strengthens TRS will greatly assist individuals with hearing and speech disabilities in their employment endeavors.

The system of relay services that was mandated by Title IV of the Americans With Disabilities Act in 1990 -- a civil rights act which I authored in the U.S. House of Representatives -- is a critical component of our nation's communications infrastructure. Relay services provide one means of access for persons with hearing and speech disabilities into employment services such as placement, counseling, training, and other resources that persons without disabilities may take for granted as they seek to find or maintain a job. In our telecommunications and information-oriented society the need for relay service remains high and must incorporate technological advances and innovation if it is to meet original Congressional intent to meet the needs of people with hearing and speech disabilities.

The President's Committee supports many of the proposals and conclusions in the FCC's May 20 Notice of Proposed Rulemaking as they will strengthen and support Congressional intent for Title IV (Telecommunications) of the Americans With Disabilities Act (ADA) in several ways. The President's Committee supports:

- Improvement of relay services to include Speech-To-Speech services (STS) as an option for millions of Americans with speech disabilities;
- New requirements for certified state TRS programs to report any substantive changes to their programs; and
- Other requirements to improve the Commission's ability to conduct oversight and compliance

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for operational, functional and technical standards for TRS.

More detailed comments, which support many of the conclusions of the Commission and which make some suggestions, are attached.

The FCC's proposals and our recommendations will go a long way in assisting many persons with hearing and speech disabilities in their search for, and ability to maintain, employment and to improve their ability to participate in the mainstream of society.

Sincerely,

A handwritten signature in dark ink, appearing to read "Tony Coelho". The signature is stylized, with a large "T" and a cursive "Coelho".

Tony Coelho  
Chairman

P.S. We enclose one original and eleven copies of our comments. and an ASCII version on disk.

Enclosures

cc: (1) **Carmell** Weathers, Common Carrier Bureau, 2000 M Street, N.W., Room 221,  
Washington, D. C. 20554.  
(2) International Transcription Services, Inc., 1231 20th Street, N.W., Washington, D.C.  
20036.

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**JUL 20 1998**

**FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY**

**FEDERAL COMMUNICATIONS COMMISSION**

In the Matter of )  
Telecommunications Relay Services and )  
Speech-to-Speech Services for Individuals ) **W .T. Docket No. 98-67**  
with Hearing and Speech Disabilities )

**COMMENTS OF THE PRESIDENT'S COMMITTEE ON EMPLOYMENT OF PEOPLE WITH DISABILITIES**

**I. Introduction**

The President's Committee on the Employment of People With Disabilities ('President's Committee') submits these comments to the Federal Communications Commission (FCC or Commission) on its proposed rule released May 20 in this matter.

The President's Committee is a small federal agency whose mission is to communicate, coordinate and promote public and private efforts to enhance the employment of people with disabilities. The Committee provides information, training and technical assistance to America's business leaders, organized labor, rehabilitation and service providers, advocacy organizations, families and individuals with disabilities. The President's Committee reports to the President on the progress and problems of maximizing employment opportunities for people with disabilities.

To achieve its goals, the Committee, through its 300 volunteer members and 37-member agency staff, works closely with Governor's Committees in the states, in the District of Columbia, Puerto Rico, Guam and the Virgin Islands; with more than 600 Mayor's Committees on Employment of People and Disabilities; and with disability community leaders throughout the country.

The President's Committee applauds the Commission for issuing a proposed rule to strengthen and enhance the implementation of Title IV of Americans with Disabilities Act (ADA) as incorporated into the Telecommunications Act of 1996.

The President's Committee emphasizes two reasons why this rulemaking is important: (1) the significant numbers of people with hearing and speech disabilities and their lack of employment parity with persons who do not have disabilities, and (2) the critical nature of access to employment and employment resources that telephone relay services can provide for persons with speech and hearing disabilities.

The most recent statistics on employment of persons with disabilities reveal that there are significant differences between working-age Americans with hearing and speech disabilities and those without disabilities. While 82.1 percent of the general working age population (ages 21-64) is employed, only 52.3 percent of all people with disabilities are employed.<sup>1</sup> This figure includes persons who have difficulty performing functional activities such as hearing and having one's speech understood. And, among those with severe disabilities, only 26.1 percent are employed.\* Severe disability is defined by the U.S. Census survey to mean someone who is unable to perform one or more activities of daily living, or has one or more specific impairments, and may include persons with 'one or more specific impairments' such as inability to speak or hear.

Other population data indicate the extent of the problems faced by persons with sensory limitations that impact their ability to use everyday telephony. According to U.S. Census Bureau 1992 SIPP data, 10.9 million have a functional limitation in '*Hearing what is said in a normal conversation*' and 2.3 million have a functional limitation in '*Having one's speech understood*.'

With more than 13 million Americans having hearing and speech functional limitations, and a significant number of them within the working age population, it is very important that a high level of customer service quality be required of providers of relay services. Being able to place a phone call to a prospective employer, to answer an advertisement for a job, to access training and to advance one's career through formal and informal networks depends largely on the ability to reach out and contact many different individuals and entities. Improvements to TRS will enhance employment opportunities for people with hearing and speech disabilities and can contribute greatly to a decrease in their unemployment rate.

## **II. RESPONSE TO CERTAIN NPRM PARAGRAPHS**

### **A. Scope of TRS**

Paragraph 14: The President's Committee supports the Commission's conclusion that Title IV of the ADA is applicable to any wire or radio communication service that enables persons with hearing or speech disabilities to engage in communication with persons without such disabilities and is not limited to services using TTY's only.

Comment: Title IV of the ADA and the corresponding Senate report language indicate that Congressional intent was that TRS be an evolving service to reflect and incorporate innovation and new technologies as they develop. To not permit TRS to evolve along with the rapidly changing

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<sup>1</sup>U.S. Census Bureau's Survey of Income and Program participation (SIPP) data, 1994

<sup>2</sup>Ibid

telecommunications industry would be detrimental to persons with hearing and speech disabilities who often are among the most isolated, under or unemployed members of our society. To close off new technology approaches to providing means of access within TRS, such as limiting TRS to TTY users only, flies in the face of telecommunications industry members who cry out that innovation in providing new products and services must not be hampered in any way.

Not only does the Commission have a statutory duty to not discourage innovative approaches that improve relay service but also, TRS should be seen within the framework of the Telecommunications Act of 1996. The Act was passed based on the general recognition for regulatory changes that reflect a changed telecommunications environment and which expressly, for the first time, included three provisions [Sections 251(a)(2), 255, and 305] which reflect the ADA's principle of inclusion of people with disabilities into the mainstream of society's communications channels. The Commission's authority over relay services should not be perceived as frozen to the time when the mandate for a nationwide system of relay services was first created in 1990.

We support the proposal that the Commission should first issue a determination, through a rulemaking or a declaratory ruling, that a certain service is an 'improved' TRS service.

Paragraph 15: The President's Committee supports the Commission's conclusion that the costs of providing interstate "improved" relay services should be reimbursed from the interstate TRS fund. TRS providers should be able to receive reimbursement for providing intrastate or interstate improved relay services regardless of whether they provide the service voluntarily or the provision of the service is required by the Commission, or by a certified state's TRS rules

We also support the Commission's conclusion that the two services, Speech To Speech (STS) and Video Relay Interpreting (VRI) are improved TRS services and should be recoverable.

We support also this cost recovery mechanism as requiring contributions from providers whether they provide TRS voluntarily, or it is required by the Commission or a by a certified state's TRS rules.

Comment: At this time, there is no basis to believe that there are other incentives to fund improved relay service absent this funding mechanism as the market has not yet voluntarily provided these services despite the increasing level of demand and despite greater awareness across our society of the needs and rights of people with disabilities. As these services are likely to facilitate access to employment for people with hearing and speech disabilities, a solid base for funding them is both necessary and a priority.

## **B. Speech to Speech Services (STS)**

Paragraph 23. The President's Committee supports the Commission's conclusion that within two years of the proceeding, all common carriers providing voice transmission services must ensure that

STS services are available to callers with speech disabilities throughout their service areas. We further support the conclusion that STS services fall within the scope of the ADA's definition of "telecommunications relay services" as *a telephone transmission service that enables an individual who has a speech disability to communicate by wire or radio with a hearing individual in a manner that is functionally equivalent to the ability of a person who does not have a speech disability to communicate using voice communication services by wire or radio.*

Comment: We note that this definition does not preclude the development of other technologies, perhaps digitally based, that would enable functionally equivalent communication to occur between persons with and without speech disabilities. It is foreseeable that there may be convergences occurring based in linkages between network-based services and electronic voice prostheses or other assistive devices used by persons with multiple disabilities. For instance, persons who experience blindness combined with inability to speak words articulately,

STS provides an optional and effective communications bridge to employment options and opportunities for persons with speech disabilities who may experience significant disconnections and poor service response when placing calls via routine telephony

Paragraph 24. The President's Committee supports the Commission's conclusion that the adoption of federal rules in STS will assist the states in developing cost-effective regional or national centers where speech-to-speech calls can be handled.

Comment: This proposal addresses local and regional population needs. In particular, it is not known at this time, via any systematic method, where persons with speech disabilities are located and aggregation of STS could lead to access to telephony for unknown numbers of people with speech disabilities who are located in remote or rural areas. Provision of broad-based STS could assist in putting a dent in the high rates of unemployment experienced by this community. We note UCPA's research that showed a high level of unemployment and underemployment by users of alternative and augmentative communication devices.

Paragraph 25: The President's Committee supports the Commission's proposed time line for a report and order to be issued within two years to allow sufficient time for training and set up of STS.

Comments: The President's Committee supports adoption of federal rules for STS that:

(1) recognize the importance of in-depth and comprehensive training of communications assistants;

We are particularly concerned that CAs who are unfamiliar with the language, protocols and terms used in employment situations could contribute needless barriers for persons with hearing and speech disabilities. For instance, CA's who do not understand the role of Human Resources offices at large companies in placing and processing persons for jobs may either

contribute to slowdown of TTY transmittals or be unable to voice correctly for users of STS. Similarly, CAs who are unfamiliar with the meaning of terms such as 'supported employment', 'job coaches' and 'job accommodations' may unnecessarily slow down the communications process when they relay to and between these persons, a person with a disability and the receiver of the call.

Likewise, CA's who are unfamiliar with the terms of art in the fields of assistive technology and universal design may have difficulty keying in with rapidity the needs of persons with disabilities who are requesting reasonable accommodations over the phone as part of hiring processes. Similarly, CA's who voice for persons with speech disability should have a working knowledge of the types of assistive technology devices and services that these persons may be asking during discussions for job accommodations.

A high standard of ability to articulate words clearly and efficiently and to hear clearly and effectively should be required as an essential job function for CA's in order to provide relay speech-to-speech service.

The President's Committee recommends in-depth training of CA's that incorporates the terms and language of the real world of people with hearing and speech disabilities so that as they seek and maintain employment, time is efficiently used and accuracy of messages relayed is maintained.

- (2) require providers to conduct outreach activities to persons with disabilities, with a particular emphasis on innovative ways to reach them (such as one-to-one direct outreach conducted by persons with speech disabilities);
- (3) permit services such as message leaving if an answering machine responds, or placing of multiple calls, provision of person-to-person identification, and any other services that reduce the burden of generating speech by the individual with a speech disability; and
- (4) require faster rates of typing speed than currently exist in order to address complaints from deaf and hard-of-hearing TRS customers that their messages are unnecessarily being delayed in transmittal.

Bad customer service by relay service providers may not only contribute to poor social relationships but also create new barriers to employment. Imagine, for instance, the effect of sloppy articulation within STS or slow rendition of a TTY message to an administrative assistant answering the phone in a Personnel or Human Resources Office that has advertised jobs available. Not only may she or he be unfamiliar with receiving Voice Carry Over or STS, but unless the Communications Assistant professionally presents the message being sent this administrative assistant may not take seriously the call, may not refer it appropriately, or may note inaccurately the caller's name and number, the nature of the call and the critical request for job information. Despite the availability of a job and the

willingness and qualifications of the caller, the person with a disability may not even be able to achieve the first step into the company such as a job interview!

Paragraph 26: The President's Committee *does not support* any relaxing of current speed-of answer requirements for STS as compared to other TRS services, We urge the Commission to address any requirements that may involve rules that would preclude the CA from storing and keeping information on behalf of the STS user so as to acknowledge the physical and mental difficulties encountered when a person with a speech disability must repeat their message. It is in the nature of speech disability that it is with great difficulty that a person voices speech. For instance, when a number is busy and call-back is required, a record of the message could be voiced again by the CA to not burden the person with a speech disability with unnecessary repetition of the message.

This is particularly important in regard to accessing employment when repeated calling may be the only way to reach a very busy employer who is only doing interviews on a time-limited basis. This type of service is particularly important for persons who stutter and persons whose voice may be very difficult to understand by untrained persons.

### **C. Access to Emergency Services**

Paragraphs 40-41: In regard to Access to Emergency Services, the President's Committee believes the contention that many persons with speech and hearing disabilities will contact Relay Services providers rather than trying to directly contact Emergency Services. This phenomenon occurs because there is often lack of compliance with ADA's requirements by state and local government entities to responding either to direct TRY calls or to persons with speech disabilities who do not use TOYS and have attempted to use routine telephony

Comments: We urge the Commission to require TRS providers to describe their current operating procedures for incoming emergency calls. Furthermore, these procedures should be periodically reviewed in depth by both the Commission and the provider in terms of their functional equivalency to access to emergency services for persons without disabilities. For instance, comparison with local reaction and follow-up times via routine telephony should be a part of this review with appropriate adjustments made so that level of service in an area is consistently of high quality

For persons with speech and hearing disabilities whose job may require them to at times make such calls (e.g., persons with janitorial careers or kitchen employees who may be called upon to report hazards or unsafe conditions as they emerge) the inability to make such emergency calls could in fact jeopardize employment because they would be expected to be able to make such calls as part of the essential job functions.

In regard to development of minimum standards, we support the use of databases to match the TRS caller's automatic number information (ANI) with the appropriate emergency service number in the



area and allowing the TRS center to pass the AN to the emergency service provider even where the TRS user disconnects before emergency personnel are connected. Such disconnections may be a consequence of an unintended manifestation of disability (e.g., a spasmodic reaction based in physical disability or incorrect dialing based on cognitive disfunction) and should not result in penalty, or lack of emergency access service, provision. There is no reason to think that persons with speech and hearing disabilities are more likely to make improper calls for emergency services through TRS than others without disabilities (who call emergency numbers directly) and there is every reason to believe that calls for emergency service may be more tenable

#### **D. Access to Enhanced Services**

Paragraphs 42 through 46. In regard to Access to Enhanced Services, TRS access to voice menu-driven services and pay-per-call services is non-existent or difficult due to poor customer service by the entity involved.

Comment: There is often no live operator option, or it is only provided at limited times, when these services are contacted. This makes for a major contributing barrier to access for persons with disabilities who are seeking jobs, or inquiring about job availability or answering a job advertisement in the paper.

Services such as voice mail, facsimile store and forward, interactive voice response, electronic store and forward, reverse directory service, and Yellow and White pages may all be invoked during a job search as the job seeker contacts companies, training establishments, disability services providers and recruiters seeking to fill job openings. When the marketplace for jobs is wide-open it makes little sense to have the marketplace for the electronic communications infrastructure constricted by inconsistency between the spirit of the law and some shortsighted pharisaic phrasing.

The President's Committee notes, as does the Commission in the NPRM, that many carriers, telecommunications providers and TRS providers have made enhanced services accessible to TRS users voluntarily when technically feasible and have recovered the costs of doing this. We therefore support the Commission's conclusion, in following Congress' mandate to ensure functional equivalency within TRS, that the Commission can establish rules to govern the way in which CA's handle recorded messages that require user interaction or input,

We urge the Commission to address also how TRS rules may be developed to address other enhanced services, particularly those that might be used in job search and placement venues (which may include facsimile store and forward, voice menus interactive voice response and other store and forward options).

We further support the Commission's proposal to allow CAs to alert the TRS user to the presence

of a recorded message, or other enhanced service feature, and to either summarize and relay specific information as the TRS user wishes. The President's Committee also supports use of 'hot key' solutions as proposed for use by CAs to alert the TRS user to recorded messages and to receive instructions from the TRS user on how he or she wishes to proceed without having to engage in frequent call backs for purposes of verbatim messages

We support the Commission's conclusion that this narrow exception would increase TRS efficiency and permit compliance with the Congressional mandate for functional equivalency. We do note that this exception may be superseded in the future either as technology changes (such as more direct interfaces by TTY users through personal computer equipment and software into enhanced services or other direct interfaces by persons with speech disabilities using electronic prostheses) or when the disabling created by current enhanced services rules is cured.

### **E. Conclusion**

The President's Committee thanks the Commission for the opportunity to submit these comments, and urges the Commission to act promptly in issuing rules that will strengthen and improve telecommunications relay services, a critical component to our nation's mandate to provide full civil rights to people with disabilities.

Respectfully submitted.

A handwritten signature in black ink, appearing to read "Tony Coelho". The signature is written in a cursive, flowing style.

Tony Coelho, Chairman  
President's Committee on Employment of People With Disabilities  
1331 F Street NW  
Washington, D.C. 20004